IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

OP.No. 21048 of 2000(E)

PETITIONER:

BIJEESH, BINDU NIVAS,
KANAKKASSERI HOUSE,
KOMERI.P.O., CALICUT -7.

BY ADV. SRI.T.R.HARIKUMAR,
ADV. SRI. V.G. ARUN.

RESPONDENTS:
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1. **THE SUPERINTENDENT,**
GOVERNMENT W & C HOSPITAL,
KOZHIKODE.

2. **DISTRICT COLLECTOR AND CHAIRMAN,**
HOSPITAL DEVELOPMENT COMMITTEE,
GOVERNMENT WOMEN AND CHILDREN HOSPITAL,
KOZHIKODE.

3. **MALABAR REGIONAL CO-OPERATIVE MILK**
PRODUCERS UNION LIMITED, KOZHIKODE DAIRY,
KOZHIKODE - 673 571, REPRESENTED BY ITS
DAIRY MANAGER.

BY GOVERNMENT PLEADER SRI. MUHAMMED PUZHAKKARA.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 23/11/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 35248/2000 IN O.P. NO. 21048/2000-E

DISMISSED

23/11/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LETTER DTD. 07/01/2000 OF THE R.3. ADDRESSED TO THE R.1.

EXT.P.2: COPY OF THE COMMUNICATION DTD. 30/03/2000 OF THE R.3.

EXT.P.3: COPY OF THE COMMUNICATION BY THE R.1. TO THE PETITIONER, DTD. 24/05/2000.

EXT.P.4: COPY OF THE TERMS AND CONDITIONS OF THE R.3. FOR THE SALE OF MILMA PRODUCTS.

EXT.P.5: COPY OF THE AGREEMENT DTD. 01/06/2000 EXECUTED BY THE PETITIONER WITH THE R.1.

EXT.P.6: COPY OF THE RECEIPT NOS. 40 AND 41 DTD. 01/06/2000 FOR PAYMENT OF SECURITY AND SIX MONTHS RENT.

EXT.P.7: COPY OF THE RECEIPT NO. 59 DTD. 04/07/2000 ISSUED TO THE PETITIONER FOR PAYMENT OF RENT FOR JULY, 2000.

EXT.P.8: COPY OF THE ORDER NO. C4/599/2000 DTD. 19/07/2000 OF THE R.1. ISSUED TO THE PETITIONER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

O.P. NO. 21048 OF 2000

Dated this the 23rd day of November, 2007.

J U D G M E N T

This original petition is filed with the following prayer:

i) To issue a writ of mandamus or any other appropriate writ, direction or order, directing the respondents not to take any steps to remove the Milma booth being conducted by the petitioner in the premises of the Women and Children Hospital, Kozhikode.

There is already an interim order even since 26.07.2000. Learned Government Pleader submits that the Hospital Development Committee had decided to cancel the booth. Be that as it may, in view of the interim order as above, it is made clear that in case the booth has not so far been shifted, any such steps shall be taken only with notice to the petitioner.

This original petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp

KURIAN JOSEPH, J.

O.P. NO. 21048 OF 2000

J U D G M E N T

23.11.2007